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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION
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15 TAEK SAMUEL YOON,) CV 11-6792-VAP (SH)
16)
17 Plaintiff,) ORDER ACCEPTING REPORT AND
18 v.) RECOMMENDATION OF UNITED
19 JOHN DOE, et al.,) STATES MAGISTRATE JUDGE; and
20 Defendants.) ORDER

21 Pursuant to 28 U.S.C. Section 636(b)(1)(C), the court has reviewed the First
22 Amended Complaint and other papers along with the attached Report and
23 Recommendation of the United States Magistrate Judge, and has made a de novo
24 determination of the Report and Recommendation.

25 IT IS HEREBY ORDERED that:

- 26 1. The Report and Recommendation is accepted and adopted.
27 2. Plaintiff's official capacity damages claims against defendants
28 Saaveda, E. Gray, Durant, Demase, and Scott, his Eighth Amendment

1 claim against defendant Oden, and his Fourteenth Amendment
2 property deprivation claim against defendant Pinedo, are dismissed
3 without leave to amend.

4 3. The remainder of Plaintiff's First Amended Complaint is dismissed
5 with leave to amend. Plaintiff is not permitted to add claims or
6 defendants to an amended pleading without first seeking leave of court
7 to do so. Specifically, Plaintiff may, if he chooses, amend the
8 following claims only:

- 9 a. First Amendment retaliation against defendants Pinedo, Durant,
10 Saaveda, Gray, Pearson, and Le only;
- 11 b. Eighth Amendment deliberate indifference to serious medical or
12 dental needs against defendants Doe, Lee, Le, and Raju only;
- 13 c. Eighth Amendment failure to protect against defendants Pinedo,
14 Durant, Saaveda, Gray, and Pearson only;
- 15 d. First Amendment access to the courts against defendant Demase
16 only, and;
- 17 e. Fourteenth Amendment equal protection against defendant Scott
18 only.

19 If Plaintiff wishes to pursue the remainder of this action in this court, he must
20 file a second amended complaint within thirty days of the date this Order Adopting
21 the Report and Recommendation is filed. The amended complaint, bearing the
22 number CV 11-6792-VAP (SH), must be a complete and independent document and
23 must not refer to prior pleadings. Plaintiff is cautioned that failure to file a second
24 amended complaint within the time specified by this Order may result in dismissal
25 of the action with prejudice on the grounds stated in the Report and
26 Recommendation of the United States Magistrate Judge and/or for failure to
27 prosecute.

28 In preparing a second amended complaint, plaintiff must bear in mind the

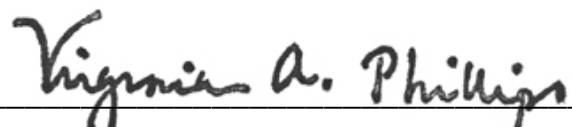
1 deficiencies of the current pleading, and must assure that they are not repeated.

2 Plaintiff must take particular note of the following guidelines:

- 3 1. Plaintiff must set forth the jurisdictional grounds for his claims at the
4 outset of the complaint.
- 5 2. The complaint must include only factual allegations directly relevant
6 to plaintiff's claims, which must be stated in separate, numbered
7 paragraphs (preferably in chronological order), each limited to a single
8 set of circumstances. The facts should be stated in simple, complete
9 sentences. Repetition is to be avoided.
- 10 3. The complaint must clearly identify the specific acts on which each
11 claim is based. Insofar as possible, the allegations should include the
12 date, time, place and circumstances of the offending conduct by each
13 defendant, a clear statement of what each defendant did or failed to do,
14 and the damage of injury suffered by plaintiff as a result of each
15 defendant's conduct.
- 16 4. If civil rights violations are claimed, the complaint must specifically
17 set forth the federal constitutional right or rights infringed with respect
18 to each alleged wrongful act or omission.

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20 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of
21 this Order on the Plaintiff.

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23 DATED: January 17, 2013_____

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26 VIRGINIA A. PHILLIPS
27 UNITED STATES DISTRICT JUDGE
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